

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

JOE ALEXANDER,

Plaintiff,

v.

**DIET MADISON AVENUE, JEAN
BATTHANY, DANI HURT, MARA BUTA,
ADWEEK, LLC, AND PATRICK COFFEE,**

Defendants.

Case No. 3:19-cv-00688-JAG

DECLARATION OF MICHAEL BERRY

MICHAEL BERRY, pursuant to 28 U.S.C. § 1746, states as follows:

1. I am a partner at the law firm of Ballard Spahr LLP, counsel for Defendants Adweek, LLC and Patrick Coffee in the above-captioned action. I submit this declaration in support of the Motion to Dismiss of Adweek and Coffee and accompanying Memorandum of Law.

2. Annexed hereto as **Exhibit A** is a true and correct copy of an article published by Adweek on December 1, 2017 titled “The Martin Agency’s Chief Creative Officer Joe Alexander Is Out After 26 Years: Veteran worked on Geico, Walmart.” This article is referenced in Paragraph 62 of the Amended Complaint.

3. Annexed hereto as **Exhibit B** is a true and correct copy of an article published by Adweek on December 7, 2017 titled “The Martin Agency Chief Creative Officer Joe Alexander Exited After Multiple Sexual Harassment Complaints, Sources Say: He denies the allegations.” This article is referenced in Paragraph 69 of the Amended Complaint.

4. Annexed hereto as **Exhibit C** is a true and correct copy of an article published by Adweek on December 7, 2017 titled “The Martin Agency Releases Internal Memo Promising to ‘Get Better’ in Wake of Harassment Scandal: Note clarifies that CCO Joe Alexander was forced out.” This article is referenced in Paragraph 74 of the Amended Complaint.

5. Annexed hereto as **Exhibit D** is a true and correct copy of an article published by Adweek on December 8, 2017 titled “A Martin Agency Account Supervisor Offers Her Perspective With #NotMyMartin Post.” This article is referenced in Paragraph 75 of the Amended Complaint.

6. Annexed hereto as **Exhibit E** is a true and correct copy of an article published by Adweek on January 26, 2018 titled “The Martin Agency Promotes Karen Costello to CCO in the Wake of Joe Alexander’s Scandalous Departure: Agency veteran formerly led the Mondelēz business.” This article is referenced in Paragraph 9 of the Amended Complaint.

7. Annexed hereto as **Exhibit F** is a true and correct copy of January 26, 2018 Facebook post by Adweek. This post is referenced in Paragraph 9, note 8 of the Amended Complaint.

8. Annexed hereto as **Exhibit G** is a true and correct copy of January 26, 2018 tweet by Adweek. This tweet is referenced in Paragraph 62 of the Amended Complaint.

9. Annexed hereto as **Exhibit H** is a true and correct copy of an April 8, 2018 article published by Adweek titled “When #MeToo Came to Madison Avenue: The ad industry moves to confront a culture of chronic harassment.” This article is referenced in Paragraph 9 of the Amended Complaint.

10. Annexed hereto as **Exhibit I** is a true and correct copy of a September 11, 2018 article published by Adweek titled “The Martin Agency Turns Joe Alexander’s Old Office Into a

Meeting Room and Doghouse.” This article is referenced in Paragraph 9 of the Amended Complaint.

11. Annexed hereto as **Exhibit J** is a true and correct copy of a September 11, 2018 tweet by AgencySpy. This tweet is referenced in Paragraph 9, note 8 of the Amended Complaint.

12. Annexed hereto as **Exhibit K** is a true and correct copy of a December 19, 2018 tweet by Patrick Coffee. This tweet is referenced in Paragraph 9 of the Amended Complaint.

13. Annexed hereto as **Exhibit L** is a true and correct copy of a December 27, 2018 article published by Adweek titled “The 5 Most Important Ad Industry Stories of 2018: From #MeToo to M&A, the agency community picks the top trends.” This article is referenced in Paragraph 9 of the Amended Complaint.

14. Annexed hereto as **Exhibit M** is a true and correct copy of a December 27, 2018 article published by Adweek’s *AgencySpy* titled “The 20 Biggest AgencySpy Posts of 2018.” This article is referenced in Paragraph 9 of the Amended Complaint.

15. Annexed hereto as **Exhibit N** is a true and correct copy of a December 6, 2017 article published by Adage titled “High-Profile Exit from Martin Agency Followed Sexual Harassment Allegation.” This article is referenced in Paragraph 39 of the Amended Complaint.

16. Annexed hereto as **Exhibit O** is a true and correct copy of a December 13, 2017 article published by the Wall Street Journal titled “Ousting an Accused Harasser Wasn’t Enough. Ad Agency Staff Wanted to Know Why.” This article is referenced in Paragraph 11 and note 9 of the Amended Complaint.

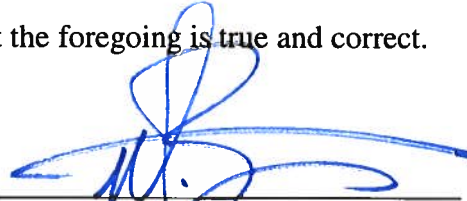
17. Annexed hereto as **Exhibit P** is a true and correct copy of a December 15, 2017 article published by the Richmond Times-Dispatch titled “Amid New Allegations of Misconduct,

17 Former Employees Discuss the Culture at The Martin Agency.” This article is referenced in Paragraph 11 and note 10 of the Amended Complaint.

18. Annexed hereto as **Exhibit Q** is a true and correct copy of a December 17, 2018, article published by Refinery 29 titled “The Morning After: After a #MeToo shake-up, one of the country’s top ad agencies replaced all their leading men with women. Now what?” This article is referenced in Paragraph 73 of the Amended Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2019
Philadelphia, Pennsylvania



Michael Berry